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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ E/CN.4/Sub.2/1990/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Economic and Social Council are contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

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A. RESOLUTIONS

1990/1. Further measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution of 1989/19 of 31 August 1989, by which the Sub-Commission referred to the Commission on Human Rights, for further consideration, the final report of the Special Rapporteur on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, and decided to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation,

Mindful of General Assembly resolution 44/52 of 8 December 1989, by which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the Decades to Combat Racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced however that racism and racial discrimination, in whatever form, are intensified, inter alia, by conflicts over economic resources, in developed as well as developing countries, and can best be defeated by a combination of economic as well as legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural as well as civil and political, are indivisible and interrelated,

Taking note, in this regard, of Commission on Human Rights resolution 1990/17 of 23 February 1990, by which the Commission requested the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies,

Taking note also of Commission on Human Rights resolution 1990/24 of 27 February 1990, by which the Commission recognized that the activities of the various organizations in the United Nations system should be closely interrelated in order to promote human rights more effectively,

Taking into account the conclusions and suggestions of the global consultation on racism and racial discrimination held at Geneva from 3 to 6 October 1988 (E/1989/48, annex, sect. VII), the conclusions and recommendations of the United Nations Seminar on the Effects of Racism and Racial Discrimination on the social and economic relations between indigenous peoples and States, held at Geneva from 16 to 20 January 1989 (E/CN.4/1989/22, sects. III and IV), and the conclusions and recommendations of the International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens from 18 to 24 September 1990 (see E/CN.4/1990/50),

Convinced of the need for the proclamation by the General Assembly, in 1993, of a third Decade to Combat Racism and Racial Discrimination, as a means of intensifying international efforts in this field, particularly through international economic co-operation,

1. Recommends that the General Assembly take appropriate steps, in due course, to launch a third Decade to Combat Racism and Racial Discrimination, to begin in 1993;

2. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely, and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other vulnerable groups in society;

3. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, education and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

4. Recognizes the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective co-ordination between the Centre for Human Rights and operational activities for development;

5. Recognizes also the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

6. Requests the Secretary-General to organize at the forty-third session of the Sub-Commission, a joint meeting for one day with the Committee on the Elimination of Racial Discrimination;

7. Requests the Secretary-General to consider ways and means necessary to respond to urgent situations and new trends involving racism or racial discrimination, in any part of the world, and to prepare an outline, for consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectivensss of United Nations action to combat racism and racial discrimination, reflecting the principles contained in this resolution.

18th meeting
20 August 1990

[Adopted without a vote. See chap. V.]

1990/22. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/19 of 31 August 1989,

Recalling further Commission on Human Rights resolutions 1990/13 of 23 February 1990, and 1990/44, 1990/45 and 1990/46 of 6 March 1990,

Having considered Mr. Asbjørn Eide's study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, particularly its conclusions and recommendations (E/CN.4/Sub.2/1989/8 and Add.1),

Conscious of its special responsibility to give due regard to new developments in the field of human rights,

Deeply concerned that there are signs of an upsurge of racism, with accompanying manifestations of prejudice, discrimination, intolerance and xenophobia in many parts of the world directed against ethnic, national, religious and linguistic minorities, indigenous peoples, migrant workers and other vulnerable groups,

Firmly determined to do its utmost to contribute to eradicating these dangerous manifestations which affect the basic human rights and fundamental freedoms of the above-mentioned groups,

Taking into account, in this light, the recommendation of the Special Rapporteur to update the study on racial discrimination prepared by Mr. Hernán Santa Cruz in 1976 (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1),

1. Expresses again its appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his valuable, wide-ranging and useful study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination;

2. Decides to transmit the recommendations contained in his study, as revised in the light of the discussion at the present session of the Sub-Commission, to the Secretary-General so that they may be taken into account in further efforts to combat racism and racial discrimination;

3. Emphasizes the need to give an additional thrust towards the achievement of the goals of the Second Decade to Combat Racism and Racial Discrimination and to contribute to the eradication of the recent upsurge of racist, prejudicial, discriminatory, intolerant and xenophobic attitudes and actions against vulnerable human groups in various parts of the world;

4. Requests the Secretary-General to prepare, on the basis of replies obtained from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting the above-mentioned groups, as well as of measures taken by Governments against those phenomena and the effects of such measures and to submit the overview for consideration by the Sub-Commission at its forty-third session, under item 5 (a) of its agenda;

5. Decides to give thorough consideration at its forty-third session, under agenda item 5 (a), and in the light of these new trends, to the recommendation of the Special Rapporteur to update the study on racial discrimination prepared in 1976 by Mr. Hernán Santa Cruz.

18th meeting
20 August 1990

[Adopted without a vote. See chap. V.]

1990/3. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Noting the initiative of the President of South Africa on 2 February 1990, promising a new era in South Africa and an end to white domination,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction Commission on Human Rights resolution 1990/22 of 27 February 1990, in which the Commission invited the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises

listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Also calls upon all Governments and organizations to maintain sanctions against the racist régime of South Africa until the total dismantlement of the apartheid system, in conformity with the Declaration on Apartheid and its Destructive Consequences in Southern Africa, adopted by the General Assembly on 14 December 1989 in its resolution S-16/1;

6. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session and the Commission on Human Rights at its forty-seventh session to consider the revised report;

7. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

8. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

9. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. Requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of the present report;

11. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

18th meeting
20 August 1990

[Adopted without a vote. See chap. V.]

B. DECISIONS

1990/101. Establishment of sessional working groups

At its 2nd meeting, on 7 August 1990, the Sub-Commission decided, without a vote, to establish the following sessional working groups:

(a) Working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII), composed of Mr. T.C. van Boven, Mr. S.V. Chernichenko, Mr. C. Heller, Ms. F.Z. Ksentini and Mr. R. Sachar as members of the group;

(b) Working group on detention composed of Mr. R. Hatano, Mr. A.A. Ilkahanaf, Mr. L. Joinet, Mr. E. Suescún Monroy and Mr. D. Türk as members of the group; and

(c) Working group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country, composed of Mr. M. Alfonso Martínez, Mr. I. Diaconu, Mr. A. Eide, Ms. C.E. Mbonu and Mr. W.M. Sadi as members of the group.

[See chap. III.]

1990/102. Organization of work

At its 2nd meeting, on 7 August 1990, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quirós, Special Rapporteur on problems and causes of discrimination against HIV-infected people or people with AIDS;

(b) In connection with item 17: Mr. Dumitru Mazilu, Special Rapporteur on human rights and youth; and

(c) In connection with the report on the forty-sixth session of the Commission on Human Rights, Ms. P. Quisumbing, Chairman of the forty-sixth session of the Commission on Human Rights.

[See chap. III.]

1990/103. Demise of Ms. Pearl Bailey

At its 17th meeting, on 20 August 1990, the Sub-Commission decided that the Under-Secretary-General for Human Rights should send a telegram to the Secretary of State of the United States of America expressing his sadness at the demise of Ms. Pearl Bailey.

[See chap. III.]

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of Minorities
Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Rapporteur: Mr. Gilberto Vergne Saboia

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*/ E/CN.4/Sub.2/1990/L.70 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council are contained in documents E/CN.4/Sub.2/1990/L.71 and addenda.

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A. RESOLUTIONS

1990/4 Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the Sub-Commission on Prevention of Discrimination and Protection of Minorities is a body of independent experts,

Recognizing also that under certain agenda items the Sub-Commission considers serious violations of specific human rights in countries,

Recalling the Advisory Opinion of the International Court of Justice of 15 December 1989, in particular paragraphs 43, 47, 50, 51, 52, 54 and 55, according to which experts' independence should be ensured in the interest of the United Nations,

Believing that situations of serious violations of human rights in countries which come before the Sub-Commission require the use of a secret ballot to strengthen the independence of the membership,

Bearing in mind, therefore, the opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

Recognizing that the Sub-Commission on Protection of Minorities is a body of independent experts,

Recalling the Advisory Opinion of International Court of Justice of 15 December 1989, in particular paragraphs 43, 47, 50, 51, 52, 54 and 55, according to which experts' independence should be ensured in the interest of the United Nations,

Believing that situations of serious violations which come before the Sub-Commission require the use of a secret ballot to strengthen the independence of the membership,

Bearing in mind the opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

1. Proposes that the Economic and Social Council interpret the rules of procedure as they pertain to the Sub-Commission;

2. Recommends the following draft resolution to the Economic and Social Council for adoption at its next session:

The Economic and Social Council,

Taking into account the relevant opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

Adds the following footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council:

"It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

24th meeting
23 August 1990

[Adopted by 20 votes to 2, with 2 abstentions see Chap. III.]

1990/5 Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling, its resolution 1988/36 of 1 September 1988, by which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities,

Recalling also its resolution 1989/44 of 1 September 1989, by which it expressed appreciation to Mrs. Palley for her proposals, and entrusted Mr. Asbjørn Eide with the preparation of a further report on national experience in this field,

Expressing concern that throughout the world there are serious problems arising from inter-ethnic and inter-group conflicts,

Convinced that the Sub-Commission can best contribute to preventing large-scale human rights problems in situations involving minorities by studying and promoting positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the progress report submitted by Mr. Asbjørn Eide at its forty-second session (E/CN.4/Sub.2/1990/46),

Conscious of the complexity and diversity of national experience with minorities, the magnitude of the task of collecting and evaluating this experience, and the limited extent to which such information is currently available within the United Nations system,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his informative and useful progress report;

2. Endorses the research methods proposed by Mr. Eide for the study in chapter V of his progress report;

3. Affirms the need to assign a high priority and adequate resources to the collection and evaluation of relevant information;

4. Requests the Secretary-General to transmit the questionnaire annexed to the above-mentioned report, as it might be supplemented and amended by the Special Rapporteur, on the basis of the views and comments made by the members of the Sub-Commission, to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations for their comments, views and relevant information;

5. Requests also the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his study and to accomplish his work successfully;

6. Requests further the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-third session on the progress made in his study, and to consider including an analysis of information obtained in replies from Governments, specialized agencies, regional intergovernmental organizations, as well as from State reports submitted under international and regional human rights instruments, and to take into account also relevant decisions and recommendations by human rights bodies, in particular the decisions of the Human Rights Committee;

7. Recommends to the Commission on Human Rights the following draft resolution for adoption:

The Commission on Human Rights,

Taking into account resolution 1990/... of ... August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

2. Endorses the methods proposed by the Special Rapporteur for the further study of facilitating the peaceful and constructive solution of problems involving minorities;

3. Requests the Special Rapporteur to submit to the Sub-Commission a preliminary report at its forty-third session, taking into account, among

other information, the comments and suggestions made by the members of the Sub-Commission as well as replies from Governments, specialized agencies, regional intergovernmental and non-governmental organizations;

4. Requests the Secretary-General to give the Special Rapporteur all the assistance, including a technical meeting of experts for three days, he may require to enable him to carry out his work successfully.

24th meeting
23 August 1990

[Adopted without a vote. See chap. XVIII.]

B. DECISIONS

1990/104 Continuation of debate on the proposal by Mr. Joinet concerning the secret vote

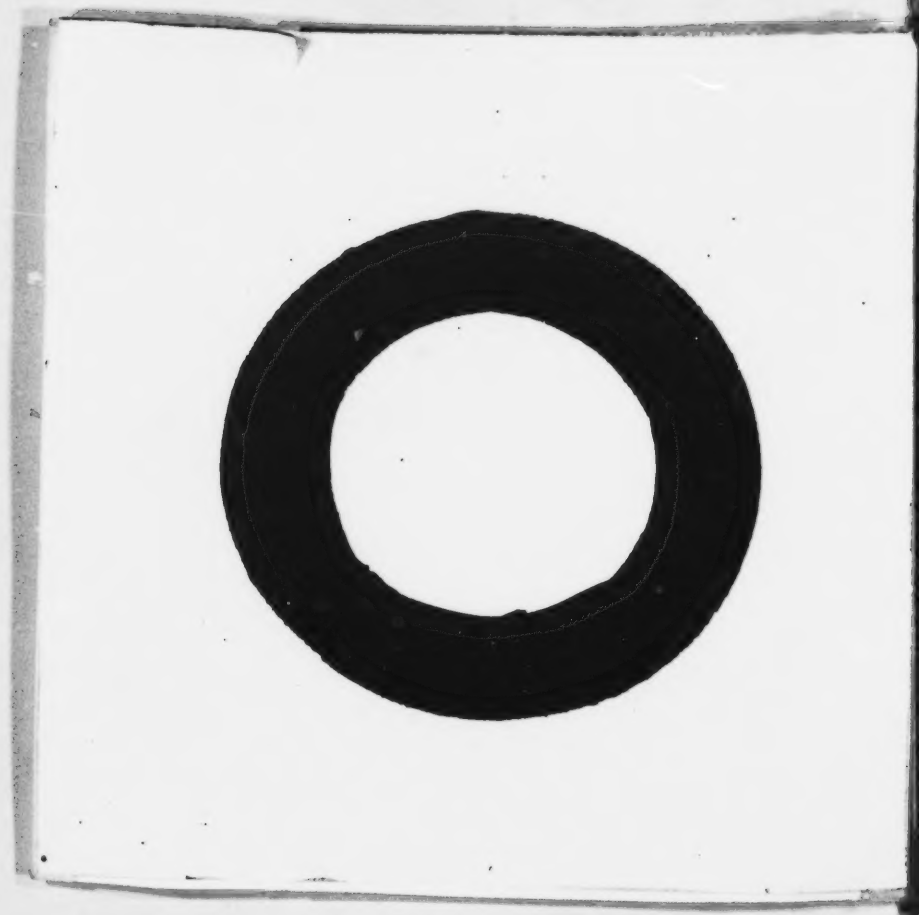
At its 18th meeting, on 20 August 1990, the Sub-Commission decided, by a roll-call vote of 6 to 14, with 4 abstentions, not to close the debate on the proposal by Mr. Joinet to suspend rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council for the purpose of protecting the independence of experts for the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.

1990/105 Provisional suspension of rule 59 to allow for voting by secret ballot on resolutions under item 6 of the agenda

At its 23rd meeting, on 23 August 1990, the Sub-Commission decided, by a roll-call vote of 17 to 3, with 4 abstentions, to suspend temporarily rule 59 of the rules of Procedure of the Functional Commissions of the Economic and Social Council for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.

1990/106 Postponement of consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and amendments thereto

At its 24th meeting, on 23 August 1990, the Sub-Commission decided, by a roll-call vote of 7 to 4, with 11 abstentions, to postpone consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto until its forty-third session.



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Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Rapporteur: Mr. Gilberto Vergne Saboia

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1990/107. Conduct of speeches

At its 25th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to re-organize the conduct of speeches for the remainder of its forty-second session by:

(a) Limiting statements by Observers to five minutes on any one item and to seven minutes when two items are being considered concurrently;

(b) Inviting Observers to circulate their written statements to the members of the Sub-Commission after their oral presentation;

(c) Limiting Observers for States to one statement equivalent to a right of reply of no more than three minutes;

(d) Urging members of the Sub-Commission to speak only once on each agenda item for no longer than 10 minutes.

[See chap. III.]

1990/108. Appeal concerning Kuwait and Iraq

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, on the grounds of human rights and humanitarian law, to strongly appeal to the Government of Iraq to facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries and to strongly appeal to all those participating in sanctions against Iraq not to prevent the delivery of necessary food and medicine.

[See chaps. IX and XI.]

1990/109. Meeting of non-governmental organizations on Palestine

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to express its grave concern at the reported refusal of the Israeli authorities to allow Mr. Faisal Husseini, Mr. Ghassan El-Khatib and Dr. Ferval Agha to leave the country to attend the Seventh United Nations International NGO Meeting on the Question of Palestine, to be held at Geneva from 29 to 31 August 1990, which will be preceded by the Fourth European Regional NGO Symposium on the Question of Palestine, to be held at Geneva from 27 to 28 August 1990, and to strongly appeal to the Israeli authorities not to hamper the participation of the above-mentioned Palestinian panelists at the meetings.

[See chap. III.]

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DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

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GE.90-13371/7556A

1990/107. Conduct of speeches

At its 25th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to re-organize the conduct of speeches for the remainder of its forty-second session by:

(a) Limiting statements by Observers to five minutes on any one item and to seven minutes when two items are being considered concurrently;

(b) Inviting Observers to circulate their written statements to the members of the Sub-Commission after their oral presentation;

(c) Limiting Observers for States to one statement equivalent to a right of reply of no more than three minutes;

(d) Urging members of the Sub-Commission to speak only once on each agenda item for no longer than 10 minutes.

[See chap. III]

1990/108. Appeal concerning the situation in the Gulf

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, on the grounds of human rights and humanitarian law, to strongly appeal to the Government of Iraq, to facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries.

[See chap. XI]

1990/109. Appeal concerning the situation in the Gulf

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, on the grounds of human rights and humanitarian law, to strongly appeal to all those participating in sanctions against Iraq not to prevent the delivery of necessary food and medicine. This appeal has been made in the spirit of Security Council resolution 661 (1990).

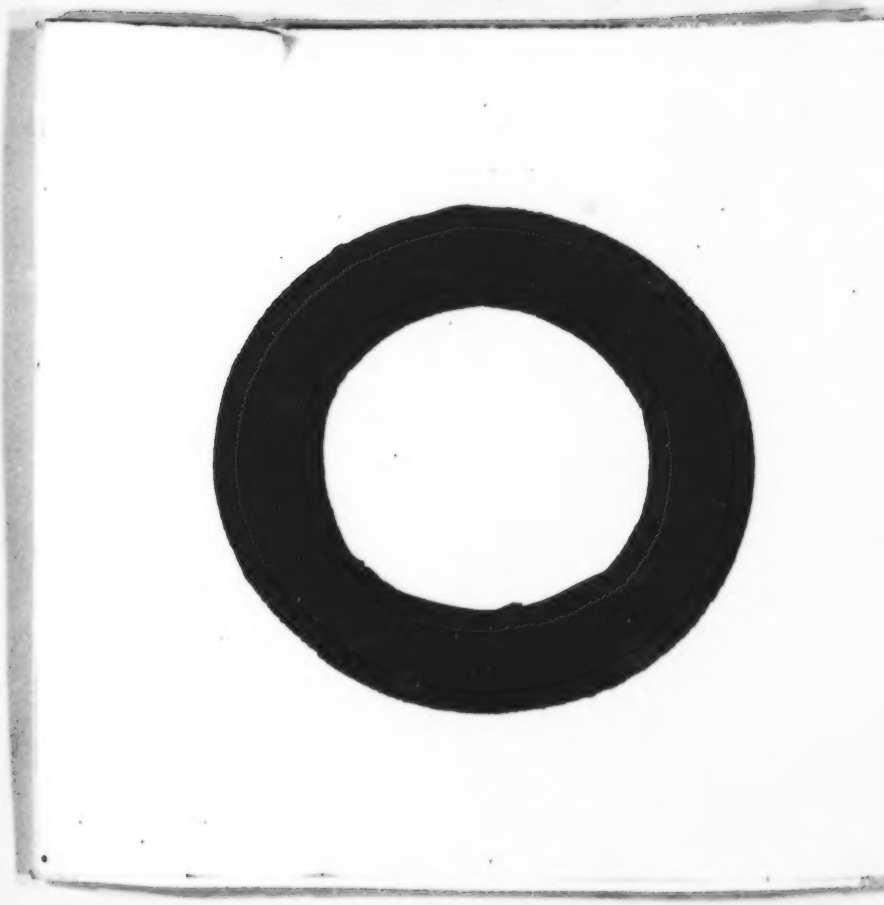
[See chap. IX]

1990/110. Meeting of non-governmental organizations on Palestine

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to express its grave concern at the reported refusal of the Israeli authorities to allow Mr. Faisal Husseini, Mr. Ghassan El-Khatib and Dr. Ferval Agha to leave the country to attend the

Seventh United Nations International NGO Meeting on the Question of Palestine, to be held at Geneva from 29 to 31 August 1990, which will be preceded by the Fourth European Regional NGO Symposium on the Question of Palestine, to be held at Geneva from 27 to 28 August 1990, and to strongly appeal to the Israeli authorities not to hamper the participation of the above-mentioned Palestinian panelists at the meetings.

[See chap. III]



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Forty-second session
Agenda item 21

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Rapporteur: Mr. Gilberto Vergne Saboiá

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*/ E/CN.4/Sub.2/1990/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Economic and Social Council are contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

1990/110 Suspension of rule 59 to allow for voting by secret ballot on proposals under Economic and Social Council resolution 1503 (XLVIII)

At its 28th closed meeting, on 27 August 1990, the Sub-Commission decided, pursuant to rule 78 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, by a roll-call vote of 18 to 3, with 4 abstentions, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII), agenda item 9, at the forty-second session.

[See chap. X]

1990/111 Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)

At its 30th meeting (closed part), on 28 August 1990, the Sub-Commission, wishing to modify its decision 1989/102 of 25 August 1989, decided, without a vote, that the Working Group on Communications, acting under operative paragraph 1 of Economic and Social Council resolution 1503 (XLVIII), shall in the future consider only those communications that have been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meeting of the Working Group.

[See chap. X]

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A. RESOLUTIONS

1990/6. Compensation for victims of gross violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, by which it entrusted Mr. van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms,

Recalling further Commission on Human Rights resolution 1990/35 of 2 March 1990 and Economic and Social Council resolution 1990/36 of 25 May 1990, authorizing the Sub-Commission to entrust Mr. van Boven with the task of preparing his study,

1. Takes note with appreciation of the preliminary report, including the tentative outline annexed thereto, submitted by Mr. van Boven in accordance with the above-mentioned resolutions (E/CN.4/Sub.2/1990/10);

2. Requests Mr. van Boven to prepare for the Sub-Commission, at its forty-third session, a progress report on the subject-matter, taking into account comments made in the discussion on the preliminary report, including the provisional plan for the study, at its forty-second session, as well as the relevant work and recommendations of the Committee on Crime Prevention and Control, as requested in Economic and Social Council resolution 1990/22 of 24 May 1990 and whatever relevant decisions which might be adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and for this purpose to undertake the necessary consultations with the United Nations Centre for Social Development and Humanitarian Affairs;

3. Requests the Secretary-General to provide all assistance required by the Special Rapporteur to carry out his study.

33rd meeting
30 August 1990

[Adopted without a vote. See chap. V.]

1990/7. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1989/108 of 31 August 1989 in which it requested Mrs. Fatma Zohra Ksentini to prepare a concise note setting forth the methods by which a study on human rights and the environment could be undertaken,

Taking note of Commission on Human Rights resolution 1990/41 of 6 March 1990, in which the Commission stressed the importance of the preservation of life-sustaining ecosystems to the promotion of human rights, welcomed Sub-Commission decision 1989/108, and requested the Secretary-General to keep the Preparatory Committee of the United Nations Conference on Environment and Development informed of the work in this field,

Taking note also of General Assembly resolution 37/7 of 28 October 1982 proclaiming the World Charter for Nature and the Stockholm Declaration of June 1979,

Affirming the inextricable relationship between human rights and the environment,

Aware, as was the General Assembly in the declaration of its eighteenth special session (A/S-18/14, para. 29) of the importance of the elimination of poverty for the protection of the world's environment,

Recalling General Assembly resolution 44/228 of 22 December 1989 regarding the United Nations Conference on Environment and Development to be held in Brazil in 1992,

Aware of the need to identify new trends in international law relating to the human rights dimension of environmental protection,

Having considered carefully the concise note of Mrs. Ksentini (E/CN.4/Sub.2/1990/12),

1. Welcomes with appreciation the concise note prepared by Mrs. Ksentini;

2. Entrusts Mrs. Ksentini with the task of preparing a study on human rights and the environment;

3. Requests Mrs. Ksentini to present a preliminary report to the Sub-Commission at its forty-third session, with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development;

4. Recommends to the Commission on Human Rights the following draft resolution for adoption:

The Commission on Human Rights,

Noting General Assembly resolution 44/228 of 22 December 1989 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of ... August 1990,

1. Endorses the decision of the Sub-Commission to entrust Mrs. Fatma Zohra Ksentini with the task of preparing a study on human rights and the environment;

2. Requests the Secretary-General to invite Governments, United Nations organs, specialized agencies, intergovernmental and non-governmental organizations, and indigenous people's organizations, to provide her with information relevant for the preparation of her report;

3. Recommends to the Preparatory Committee of the United Nations Conference on Environment and Development that Mrs. Ksentini be invited to participate as an Observer at the sessions of the Preparatory Committee and the Conference;

4. Recommends to the Economic and Social Council the adoption of the following draft decision:

"The Economic and Social Council, noting Commission on Human Rights resolution 1991/... of ... March 1991, approves the endorsement of the appointment of Mrs. Fatma Zohra Ksentini as Special Rapporteur to prepare a study on human rights and the environment and requests the Secretary-General to provide her with all of the assistance she may need for the completion of this task."

33rd meeting
30 August 1990

[Adopted without a vote. See chap. V.]

B. DECISIONS

1990/113. Human Rights and disability

At its 32nd meeting, on 29 August 1990, the Sub-Commission decided to suspend the debate on agenda item 12 of its forty-second session and to include the item in the provisional agenda for its forty-third session as a matter of the highest priority.

(See chap. XIII.)

1990/114. World Conference on Human Rights

At its 33rd meeting, on 30 August 1990, the Sub-Commission, recalling General Assembly resolution 44/156 of 15 December 1989, decided to submit document E/CN.4/Sub.2/1990/NGO/3 to the Secretary-General to be studied within the framework of the definition of objectives and modalities of a World Conference on Human Rights.

[Adopted without a vote. See chap. V.]

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*/ E/CN.4/Sub.2/1990/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to the Economic and Social Council are contained in documents E/CN.4/Sub.2/1990/L.11 and addenda.

GE.90-13359/7557A

1990/115. Postponement of draft resolution E/CN.4/Sub.2/1990/L.40

At its 33rd meeting, on 30 August 1990, the Sub-Commission decided, without a vote, to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.40 until its forty-third session.

[see chap. IV]

1990/116. Postponement of draft resolution E/CN.4/Sub.2/1990/L.45

At its 33rd meeting, on 30 August 1990, the Sub-Commission decided, without a vote, to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.45 until its forty-third session.

[see chap. V]

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